

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DOUGLAS McGUFFEY, #2043256

§

VS.

§

CIVIL ACTION NO. 6:17cv681

CALVIN TUCKER, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Douglas McGuffey, a former inmate within the Texas Department of Criminal Justice, (TDCJ), is proceeding *pro se* and *in forma pauperis* in the above styled and numbered civil rights lawsuit. The complaint was referred to the United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On August 15, 2019, Judge Love issued a Report, (Dkt. #53), recommending that Defendants' motion for summary judgment, (Dkt. #47), be granted and that Plaintiff McGuffey's civil rights lawsuit be dismissed, with prejudice. A copy of this Report was sent to McGuffey's updated address; return receipt requested. However, to date, no objections to the Report have been filed.

Because no objections to Judge Love's Report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the court has determined that the Report of the Magistrate Judge is correct. *See*


United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #53), is **ADOPTED** as the opinion of the court. Further, it is

ORDERED that Defendants' motion for summary judgment, (Dkt. #47), is **GRANTED**. Plaintiff McGuffey's civil rights lawsuit is **DISMISSED**, with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

SIGNED this the 15 day of **October**, 2019.


Thad Heartfield
United States District Judge